



February 24, 2016

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## ENGROSSED HOUSE BILL No. 1220

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DIGEST OF HB 1220 (Updated February 22, 2016 12:34 pm - DI 106)

**Citations Affected:** IC 23-14; IC 30-4.

**Synopsis:** Withdrawals from cemetery perpetual care funds. Provides that if the perpetual care fund of a cemetery is established as a trust, the trustee may withdraw funds from it in accordance with the cemetery law and in an amount that the trustee considers necessary to pay the cost of perpetual care of the cemetery, even though terms of the trust would otherwise restrict withdrawals from the fund to a lesser amount.

**Effective:** Upon passage.

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### Heaton, Baird

(SENATE SPONSORS — BASSLER, BRAY)

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January 11, 2016, read first time and referred to Committee on Judiciary.  
January 21, 2016, reported — Do Pass.  
January 25, 2016, read second time, ordered engrossed.  
January 26, 2016, engrossed. Read third time, passed. Yeas 95, nays 1.

#### SENATE ACTION

February 8, 2016, read first time and referred to Committee on Civil Law.  
February 23, 2016, amended, reported favorably — Do Pass.

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EH 1220—LS 6939/DI 55





February 24, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1220

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A BILL FOR AN ACT to amend the Indiana Code concerning  
business and other associations.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 23-14-48-2.2 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. If the perpetual care fund**  
4 **of a cemetery is established as a trust, the trustee of the trust may,**  
5 **to the extent allowed by section 2 of this chapter, withdraw funds**  
6 **from it in amounts the trustee considers necessary to pay the cost**  
7 **of perpetual care of the cemetery, notwithstanding any provision**  
8 **in the terms of the trust that would restrict withdrawals from the**  
9 **trust for perpetual care of the cemetery to less than the amounts**  
10 **allowed by section 2 of this chapter.**

11       SECTION 2. IC 30-4-3-3.2 IS ADDED TO THE INDIANA CODE  
12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
13 UPON PASSAGE]: **Sec. 3.2. The trustee of a trust established as the**  
14 **perpetual care fund of a cemetery under IC 23-14-48-2 may, under**  
15 **IC 23-14-48-2.2, without court authorization, withdraw from the**  
16 **trust the amounts allowed by IC 23-14-48-2 to pay the cost of**  
17 **perpetual care of the cemetery, notwithstanding any provision in**

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1     **the terms of the trust that would restrict withdrawals from the**  
2     **trust to less than the withdrawals allowed by IC 23-14-48-2.**

3         **SECTION 3. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1220, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1220 as introduced.)

STEUERWALD

Committee Vote: Yeas 12, Nays 0

## COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill No. 1220, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, delete "withdraw:" and insert "**withdraw funds from it**".

Page 1, delete lines 6 through 7.

Page 1, run in lines 5 through 7.

and when so amended that said bill do pass.

(Reference is to HB 1220 as printed January 22, 2016.)

BRAY, Chairperson

Committee Vote: Yeas 5, Nays 1.

